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Committee - 1/12

OGC REVIEW
COMPLETED

28 January 1954

MEMORANDUM FOR: Director of Central Intelligence

THROUGH : Deputy Director (Intelligence)

SUBJECT : Defense Representation on the Intelligence Advisory
Committee

1. We were asked to give our opinion as to whether a possible reorganization of the intelligence structure within the Department of Defense and resulting changes in representation on the Intelligence Advisory Committee would be subject to objection on legal grounds or would constitute an impairment of the Director's position in regard to the Intelligence Advisory Committee. It is our conclusion that:

a. The organization of the intelligence structure of the military departments is within the sole jurisdiction of the Department of Defense unless action is taken which we believe is demonstrably detrimental to the functioning of the intelligence community of the Government as a whole. We have no valid legal grounds for taking the position with the Secretary of Defense that he could not make changes he believed would improve the economy and efficiency of his intelligence components, but if we believed a specific proposal for reorganization would be detrimental to the entire intelligence structure we would have a duty under law to advise the National Security Council of our position and to make appropriate recommendations. We believe, therefore, that no action should be taken until a concrete proposal has been brought to our attention.

b. Changes in representation on the Intelligence Advisory Committee either by adding a Department of Defense representative or substituting such a representative for all the present military representation would in no way affect the status of the Director or his relationship to the Intelligence Advisory Committee. This opinion, of course, is without regard to the practical arguments, pro or con, on such a change.

2. The Assistant Director for Intelligence Coordination has independently come to the same conclusions. His reasons therefor are set forth in Tab A. A memorandum containing some notes on the constitution and history of the Intelligence Advisory Committee and comments on the applicable laws and regulations is attached as Tab B.

/s/
LAWRENCE R. HOUSTON
General Counsel

2 Attachments:

Tab A

Tab B

OGC:LRH:jeb

cc: DD/I

AD/OIC

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